

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

NUCAR CONSULTING, INC.,)	
a Delaware corporation,)	
)	
Plaintiff,)	
)	C.A. No. 06-284 (GMS)
v.)	
)	
ARBOGAST BUICK-PONTIAC-GMC)	
TRUCK, INC., an Ohio corporation,)	
)	
Defendant.)	

JOINT STATUS REPORT

1. JURISDICTION AND SERVICE.

The Court has jurisdiction. The parties are subject to the Court's jurisdiction. No parties remain to be served.

2. SUBSTANCE OF THE ACTION.

PLAINTIFF'S POSITION: Defendant breached a marketing agreement.

DEFENDANT'S POSITION: The agreement at issue is illegal and void pursuant to Ohio Rev. Code § 4517.20 and all amounts paid by Defendant should be returned.

3. IDENTIFICATION OF ISSUES.

PLAINTIFF'S POSITION: Did Defendant breach the agreement by failure to make payments.

DEFENDANT'S POSITION: Is the agreement at issue is illegal and void pursuant to Ohio Rev. Code § 4517.20; did Plaintiff know or should Plaintiff have known that the agreement was illegal; and should all amounts paid by Defendant be returned due to the illegality of the agreement.

4. NARROWING OF ISSUES.

Once some discovery is done, both parties anticipate filing a motion for summary judgment.

5. RELIEF.

PLAINTIFF'S POSITION: Monetary damages of \$193,958.10 together with interest and attorney's fees.

DEFENDANT'S POSITION: Monetary damages of \$9,041.66, together with interest and attorney's fees, and a declaration of the illegality of the agreement at issue.

6. AMENDMENT OF PLEADINGS?

None.

7. JOINDER OF PARTIES?

None

8. DISCOVERY.

Mandatory discovery, some additional documentary discovery and 30(b)(6) deposition(s).

9. ESTIMATED TRIAL LENGTH.

One to two days. Bifurcation is not needed.

10. JURY TRIAL?

No.

11. SETTLEMENT.

No settlement discussions to date. Plaintiff is willing to mediate with Magistrate. Defendant prefers to defer a decision on mediation.

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Attorney for Defendant

Dated: July 5, 2006

CERTIFICATE OF SERVICE

I, Wayne A. Marvel, Esquire, do hereby certify that on this 5th day of July, 2006, a copy of the foregoing Joint Status Report was electronically served upon all counsel of record.

MARON & MARVEL, P.A.

/s/ *Wayne A. Marvel*

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